

Magorrian, Matthew

From: McLerran, Dennis
Sent: Wednesday, March 11, 2015 1:39 PM
To: Kowalski, Ed; Davies, Lauris; Kelly, Kate; Albright, Rick
Subject: Fwd: Eastern Michaud Flats CERCLA Site- Requirement

FYI

Dennis McLerran
Regional Administrator
EPA Region 10
(206) 553-1234

Begin forwarded message:

From: Lee Juan Tyler (b) (6) >
Date: March 11, 2015 at 12:10:23 PM PDT
To: "mclerran.dennis@epa.gov" <mclerran.dennis@epa.gov>, "mcarthy.gina@epa.gov" <mcarthy.gina@epa.gov>, Billy Maines (b) (6) >, Rick Eichstaedt (b) (6) >, "Paige Ingram" <Ingram.Paige@epa.gov>
Subject: Fwd: Eastern Michaud Flats CERCLA Site- Requirement

FYI

Sent from my iPhone

Begin forwarded message:

From: Roger Turner (b) (6) >
Date: March 11, 2015, 11:31:11 AM PDT
To: attorneys-sbtribes <attorneys@sbtribes.com>, Land Use-SB Tribes Tribes <landuse@sbtribes.com>, FHBC <FHBC@sbtribes.com>
Subject: Eastern Michaud Flats CERCLA Site- Requirement

Here is an excerpt of Superfund Site requirement taken from Record of Decision (ROD):

10.3 Five Year Review Requirements

1. *Plant Areas*
2. *! Evaluate FMCs and Simplots compliance status with environmental (such as the CAA, IDAPA, CWA, and RCRA) and worker health and safety requirements to ensure that the remedy remains protective.*

It is obvious that EPA is not doing the above requirement.

In giving us a review of FMC/Simplot progress this week, I wonder how EPA Superfund representatives will respond to the above requirement to incorporate RCRA and CAA violations into the CERCLA requirements?

EPA has done nothing for the past 7 to 10 years on significant Clean Air Act (CAA) and RCRA violations.

Will the response from EPA this week be: "What RCRA and Air Violations?" A denial; or

"We are continuing to work on the RCRA and CAA enforcement at Simplot and once finalized, will fold it into CERCLA as appropriate."

The later excuse is losing credibility since it is approaching a decade of repeating this statement, with no progress on enforcement.

Hence the superfund clean-up at Michaud Flats is being harmed by EPA's plan to never carry-out hazardous Waste (RCRA) enforcement, and never carry out Clean Air Act violation enforcement.

A public hearing, or at least an official consultation, on the status of all the violations might be in order.

It is now obvious that EPA plans on doing nothing with the RCRA and Clean Air Act (CAA) violations, and that means the enforcement and clean-up will not be rolled into the clean-up requirements under Superfund (CRECLA).